

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27<sup>TH</sup> DAY OF AUGUST 2007, AT 5:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

|          |                                      |                                  |
|----------|--------------------------------------|----------------------------------|
| PRESENT: | Steve L. Spradlin                    | -Chair                           |
|          | Mary W. Biggs                        | -Vice Chair                      |
|          | Gary D. Creed                        | -Supervisors                     |
|          | Doug Marrs                           |                                  |
|          | John A. Muffo                        |                                  |
|          | Annette S. Perkins                   |                                  |
|          | James D. Politis (arrived 6:00 p.m.) |                                  |
|          | B. Clayton Goodman, III              | -County Administrator            |
|          | L. Carol Edmonds                     | -Assistant County Administrator  |
|          | Martin M. McMahon                    | -County Attorney                 |
|          | T.C. Powers                          | -Planning Director               |
|          | Dari Jenkins                         | -Zoning Administrator            |
|          | Vickie L. Swinney                    | -Secretary, Board of Supervisors |

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Joint work session with the Montgomery County Planning Commission

The vote on the foregoing motion was as follows:

|                    |            |                  |
|--------------------|------------|------------------|
| <u>AYE</u>         | <u>NAY</u> | <u>ABSENT</u>    |
| Gary D. Creed      | None       | James D. Politis |
| Doug Marrs         |            |                  |
| Mary W. Biggs      |            |                  |
| Annette S. Perkins |            |                  |
| John A. Muffo      |            |                  |
| Steve L. Spradlin  |            |                  |

**Supervisor Politis arrived at 6:00 p.m.**

The County Attorney provided a handout on the responsibilities for Planning, which included responsibilities of the elected Governing Body, Planning Commission, Planning Staff, Board of Zoning Appeals, and Circuit Court.

The Virginia State Code requires every locality to create a local planning commission to serve in advisory capacity for the governing body. The Planning Commission duties include the following:

- Preparation and recommendation of the County's Comprehensive Plan
- 2232 Review - determine that streets, parks, public buildings, structures, public utility facilities are consistent with the Comprehensive Plan.
- Preparation and recommendation of subdivision ordinance.
- Preparation and recommendation of zoning ordinance
- Review and approve administratively subdivision plats and site plans.

The Chair at this time referred to a report on Planning Commission Recommendations and Subsequent Board of Supervisors Actions prepared by the Planning Director.

Over a four year period, there has been a total of 87 total requests reviewed by the Planning Commission, 34 rezoning, 44 Special Use Permits (SUP), and 9 rezoning & SUP's combined. Of these 87 requests, 5 were withdrawn by the applicant, 78 requests were found in agreement between the Planning Commission and Board of Supervisors, four requests found disagreement between the Planning Commission and Board of Supervisors as follows:

- 2 rezoning requests where the Planning Commission recommended denial and were approved by the Board of Supervisors.
- 2 rezoning & SUP requests where the Planning Commission recommended approval and were denied by the Board of Supervisors.

The Chair believes the overall percentage of requests in agreement between the Planning Commission and the Board of Supervisors is high and a good tract record. He believes that the Board of Supervisors and the Planning Commission has a very good relationship and the Board of Supervisors appreciates all the work the Planning Commission does.

The Chair commented that the Planning Commission needs to look at each request as to how it relates to the Comprehensive Plan. Does the request fit in with the community, zoning, etc. They should not be influenced by the public but base their recommendations on facts. While the Board of Supervisors should also look at each request based on the Planning Commission recommendations, they do need to take into account the public's concerns.

Several Planning Commission members commented that the Comprehensive Plan is a guideline and they do need to be focused when reviewing requests as to how they relate to the Comprehensive Plan. However, they should not have blinders and sometimes it is a judgment call.

Both the Board of Supervisors and Planning Commission felt they have a good relationship, which will continue in the future.

### **OUT OF WORK SESSION**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote the foregoing motion was as follows:

|                    |            |
|--------------------|------------|
| <u>AYE</u>         | <u>NAY</u> |
| Doug Marrs         | None       |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| James D. Politis   |            |
| John A. Muffo      |            |
| Gary D. Creed      |            |
| Steve L. Spradlin  |            |

### **INTO CLOSED MEETING**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (5) Discussion Concerning a Prospective Business or Industry or The Expansion of An Existing Business or Industry Where No Previous Announcement Has Been Made of The Business or Industry's Interest In Locating or Expanding Its Facilities In The Community.

1. Project # 2007-017
2. Project # 2007-021

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Manufacturing Technology Building

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Prices Fork Elementary School Site

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel
2. Economic Development Alliance (NRV)
3. Towing Advisory Board

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs  
Annette S. Perkins  
James D. Politis  
John A. Muffo  
Gary D. Creed  
Doug Marrs  
Steve L. Spradlin

NAY

None

### **OUT OF CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed

Doug Marrs

Mary W. Biggs

Annette S. Perkins

James D. Politis

John A. Muffo

Steve L. Spradlin

NAY

None

**CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis

John A. Muffo

Gary D. Creed

Doug Marrs

Mary W. Biggs

Annette S. Perkins

Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**INVOCATION**

A Moment of Silence was lead by Vice-Chair Biggs.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **PUBLIC HEARINGS**

### **Rezoning Request – Montgomery County Board of Supervisors**

**Montgomery County Board of Supervisors (Agent: B. Clayton Goodman III, County Administrator) requests to rezone approximately 41 acres from Agriculture (A-1) to General Business (GB), with proffered conditions, to allow school expansion.** The property is located on the west side of Riner Road (SR 8), it is the site of the existing Auburn Elementary School, and is identified as Tax Parcel No(s). 127-A-37A, 43A (Acct #'s 033369, 071118) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

**Holding of this public hearing does not indicate that the Auburn School Project will be pushed ahead of the Prices Fork School Project. Any decision on the priority of school projects is up to the School Board.**

Dari Jenkins, Zoning Administrator, provided a brief summary of the rezoning request by the Montgomery County Board of Supervisors and the request by the Montgomery County School Board, which is listed next on this agenda. Both requests are similar in nature by requesting to rezone the Auburn Elementary, Auburn Middle, and Auburn High School sites from Agriculture (A-1) to General Business (GB). The rezoning of these sites will allow school expansion on the existing sites without acquiring additional land. The Auburn School Campus is located within an area designated as the Village Core and Village Expansion and does qualify for consideration of a change in the zoning classification.

According to the feasibility study commissioned by the Montgomery County School Board, the Auburn School Campus is adequate to provide the current and future educational needs for the area. Numerous options were studied and the most feasible option that was recommended provides additions to the elementary school, constructs a new middle school, provides additions and renovations to the high school, and removes the existing middle school.

At their August 8, 2007 meeting, the Planning Commission recommended approval of both rezoning requests. The Planning Commission felt that the requests were in keeping with the Riner Village Plan by allowing school expansion on the existing school campus.

There being no speakers, the public hearing was closed.

### **Rezoning Request – Montgomery County School Board**

**Montgomery County School Board (Agent: Daniel Berenato, P.O.C.) requests to rezone approximately 30 acres from Agriculture (A-1) to General Business (GB), with proffered conditions, to allow school expansion.** The property is located on the west side of Riner Road (SR 8), it is the site of the existing Auburn High & Middle School, and is identified as Tax Parcel No(s). 119-A-38, 39, 40, 41, 42, 43(Acct #'s 070698, 070699, 070700, 070701, 070702, 070703) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

**Holding of this public hearing does not indicate that the Auburn School Project will be pushed ahead of the Prices Fork School Project. Any decision on the priority of school projects is up to the School Board.**

Linda Naughton, President of the Parent Teacher Organization (PTO) for Auburn Middle School, spoke in support of the rezoning. Ms. Naughton thanked the Planning Commission and Board of Supervisors for holding public forums on the rezoning to receive citizen input. Ms. Naughton submitted a petition with 100+ signatures in support of the rezonings.

Dan Berenato, Public Facilities Director for Montgomery County Public Schools, thanked the Board of Supervisors for their consideration in rezoning the Auburn School Campus. He also thanked the Planning Commission for their help in preparing the rezoning request.

There being no further speakers, the public hearing was closed.

Proposed Ordinance Amending Chapter 10, Zoning Ordinance

**An ordinance amending Chapter 10, entitled Zoning, Sections 10-23, 10-24, 10-25 and 10-26 of the Code of the County of Montgomery, Virginia requiring green space held in private ownership to be owned by a homeowner's association or other form of common interest ownership acceptable to the county.**

The Planning Director explained the amendment to the Zoning Ordinance. He stated the changes allow for flexibility in the design of future development of green space. If the green space is not owned and maintained by a private ownership then the green space must be owned by a homeowner's association or other form of common interest ownership.

There being no speakers, the public hearing was closed.

Proposed Ordinance Amending Chapter 10, Zoning Ordinance

**An ordinance amending Chapter 10, entitled zoning, section 10-21(5)(e) of the code of the County of Montgomery, Virginia to allow up to thirty percent (30%) of any lot in the A-1 Agricultural District to be covered by impervious surfaces.**

The Planning Director explained that the amendment to the above ordinance would allow the increase of impervious surface up to 30% of any lot in Agriculture. The existing ordinance allows impervious lot coverage greater than 20% but less than 25%.

Shireen Parsons understands the purpose of this amendment is to allow the county to expand the parking lots of municipal properties, primarily schools. She expressed concerns that the amendment as written could allow the county to pave over huge areas of municipal areas in flood prone areas, such as the Elliston school site. Also, there is no language that would prevent private landowners from paving over huge areas of agricultural land for whatever reason. Ms. Parsons suggested that the Board include in the amendment a requirement that the county use porous, permeable materials for parking lots in flood prone areas; and an exclusion of private landowners from this amendment.

There being no further speakers, the public hearing was closed.

Proposed Ordinance Amending Chapter 10, Zoning Ordinance

**An ordinance amending Chapter 10, entitled zoning, sections 10-52, 10-53, 10-54 and 10-61 of the code of the County of Montgomery, Virginia to require all land development proposals having a significant impact to state controlled highways to comply with Virginia Department of Transportation (VDOT) Chapter 527 regulations including the preparation of a traffic impact statement showing how the proposed development will relate to existing and future transportation facilities and what provisions are necessary to lessen or negate the impacts from the proposed development.**

The Planning Director explained that the amendment to this ordinance is to comply with changes implemented by the Virginia Department of Transportation (VDOT). All future rezonings that will greatly impact the existing transportation network must be submitted to VDOT for review. This amendment is mandated and all localities are to comply with these new regulations imposed by VDOT.

There being no speakers, the public hearing was closed.

Proposed Ordinance Amending Chapter 8, Planning & Development - **CANCELED**

**An ordinance amending Chapter 8, entitled planning and development, sections 8-111, 8-161, 8-171 and 8-173 of the code of the County of Montgomery, Virginia**

**This public hearing was canceled and will be re-advertised due to changes made to the proposed ordinance by the Planning Director and County Attorney.**

**PUBLIC ADDRESS**

Jane Machin spoke about her concerns regarding gypsy moth in Montgomery County. She reported that there were 100+ gypsy moth egg masses on her property. She supports a gypsy moth program in Montgomery County and urged the Board to consider implementing the program.

Jason Shelton, Friends of Animal Care and Control (FACC), thanked the Board for their support of FACC’s program and asked the Board to vote in favor of their recommendation to change the County’s adoption program and changes to the spay and neuter program.

There being no further speakers, the public address session was closed.

**CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated August 27, 2007 was approved. The vote was as follows:

|                    |            |
|--------------------|------------|
| <u>AYE</u>         | <u>NAY</u> |
| John A. Muffo      | None       |
| Gary D. Creed      |            |
| Doug Marrs         |            |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| James D. Politis   |            |
| Steve L. Spradlin  |            |

**Approval of Minutes**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the minutes dated July 23, July 30, and July 31, 2007 were approved.

**R-FY-08-20**  
**SCHEDULE PUBLIC HEARING**  
**AMERICAN ELECTRIC POWER**  
**EASEMENT REQUEST TO PROVIDE ELECTRIC SERVICE**  
**TO ELLISTON VOLUNTEER FIRE DEPARTMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules a public hearing for Monday, September 24, 2007 at 7:15 p.m., or as soon thereafter, in the Board Chambers, 2<sup>nd</sup> Floor, Montgomery County Government Center, 755 Roanoke Road, Christiansburg, Virginia to receive citizen comments on the request by American Electric Power for a right-of-way easement for an underground utility line on property owned by Montgomery County where the new Elliston Volunteer Fire Department is located in the Elliston-Lafayette Industrial Park, Enterprise Drive, Elliston, Virginia.

**A-FY-08-33**  
**SHERIFF**  
**RECOVERED COSTS AND DMV GRANT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

|     |                  |                |
|-----|------------------|----------------|
| 310 | Sheriff – State  | \$4,739        |
| 321 | Sheriff – Grants | <u>\$2,000</u> |
|     | Total            | \$6,739        |

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

|        |                 |              |
|--------|-----------------|--------------|
| 419108 | Recovered Costs | \$4,739      |
| 424401 | DMV Grant       | <u>2,000</u> |
|        | Total           | \$6,739      |

Said resolution appropriates recovered costs and a DMV grant for use by the Sheriff's department.

**A-FY-08-34**  
**MONTGOMERY MUSEUM**  
**AND LYRIC THEATRE GRANT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

|     |                         |                |
|-----|-------------------------|----------------|
| 911 | Montgomery Museum Grant | \$2,500        |
|     | Lyric Grant             | <u>\$2,500</u> |
|     | Total                   | \$5,000        |

The source of the funds for the foregoing appropriation is as follows:

Revenue Account:

|        |              |         |
|--------|--------------|---------|
| 424401 | State Grants | \$5,000 |
|--------|--------------|---------|

Said resolution appropriates grant funds received for the Montgomery Museum and Lyric Theatre.

**A-FY-08-35**  
**FAIRVIEW DISTRICT HOME**  
**TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

**FROM:**

|     |                       |           |
|-----|-----------------------|-----------|
| 950 | General Contingencies | (\$4,566) |
|-----|-----------------------|-----------|

**TO:**

|     |                        |         |
|-----|------------------------|---------|
| 910 | Fairview District Home | \$4,566 |
|-----|------------------------|---------|

Said resolution transfers appropriated funds from General Contingencies to the Fairview District Home to cover the County's portion of the cost of a backup generator as required by the state.

**A-FY-08-36**  
**SMART WAY BUS SERVICE**  
**EASTERN MONTGOMERY COUNTY**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:



100 Board of Supervisors \$6,900

The source of funds for the foregoing appropriation is as follows:

| <u>Revenue Account</u>           |         |
|----------------------------------|---------|
| 451203 Undesignated Fund Balance | \$6,900 |

Said resolution appropriates fund balance to cover the cost of extending the service by the Smart Way Bus to the Meadowbrook facility from July 1, 2007 to December 31, 2007 and adding additional stops.

**R-FY-08-21**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FUTURE ELEMENTARY SCHOOL**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Section PLU 1.1.1. authorizes the Board of Supervisors to initiate changes in designation of Planning Policy Areas in the Comprehensive Plan; and

WHEREAS, Development of a future elementary school site on a portion of the Fotheringay LLC property adjacent to Route 460/11 in the Elliston Community of Montgomery County to be purchased by the Board of Supervisors necessitates a change in the Planning Policy Area designation from Resource Stewardship to Elliston Village Expansion; and

WHEREAS, This change in designation will aid in the implementation of the Comprehensive Plan by facilitating the development of a new elementary school in the same vicinity of the existing Eastern Montgomery High School.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to initiate the change in the County Comprehensive Plan by changing the Planning Policy Area designation for the 20 acre portion of the Fotheringay LLC property to be purchased by Montgomery County for a future elementary school from Resource Stewardship to Elliston Village Expansion.

**R-FY-08-22**  
**RESOLUTION ACKNOWLEDGING RECEIPT**  
**OF THE NEW RIVER VALLEY COMMUNITY SERVICES**  
**FY 2008 PERFORMANCE AGREEMENT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia acknowledges receipt of the New River Valley Community Services Board Performance Contract for Fiscal Year 2007-2008.

FURTHER BE IT RESOLVED, The Montgomery County Board of Supervisors makes no comment regarding the performance contract for the New River Valley Community Services Board for Fiscal Year 2007-2008.

**R-FY-08-23**  
**APPOINTMENT**  
**PARKS AND RECREATION COMMISSION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Debbie C. Dove**, who resides in District E, to the Parks and Recreation Commission effective August 28, 2007 and expiring on April 11, 2008.

Said appointment fills the unexpired term of Roy Jones, who resigned.

## **NEW BUSINESS**

### **R-FY-08-24 AMENDMENT TO THE FY 07/08 POSITION CLASSIFICATION PLAN INFORMATION MANAGEMENT SERVICES**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that Montgomery County's FY 2007-2008 Position Classification Plan adopted August 13, 2007 is hereby amended with the following changes:

1. Remove the classification of Information Management Services Director.
2. Add the classification of Project Manager, Grade 123.
3. Add classification of Systems Integration Specialist, Grade 123
4. Reclassify IMS Analyst – Network Support from Grade 119 to PC Technician – Grade 113.
5. Reclassify IMS Analyst – Vacant from Grade 119 to Technology Support Specialist – Grade 117.
6. Reclassify IMS Analyst – Business Analyst from Grade 119 to Systems Engineer, Grade 123, effective December 31, 2007
7. Reclassify Computer Technology Supervisor at Grade 120 to Technology Support Specialist, Grade 117.

Said resolution amends the Position Classification Plan to reflect organizational changes in the Information Management Division.

The vote on the foregoing resolution was as follows:

|                    |            |
|--------------------|------------|
| <u>AYE</u>         | <u>NAY</u> |
| Gary D. Creed      | None       |
| Doug Marrs         |            |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| James D. Politis   |            |
| John A. Muffo      |            |
| Steve L. Spradlin  |            |

### **R-FY-08-25 AMENDMENT TO THE ANIMAL CONTROL ADOPTION FEE**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Section 3-28.6 of the Montgomery County Code provides that the Board of Supervisors may adopt by resolution a fee or deposit schedule and charge and collect from the new owner a fee or deposit before releasing a dog for adoption to ensure sterilization; and

WHEREAS, Montgomery County currently charges \$10.00 for adult dogs, no charge for puppies and requires the animal to be spayed or neutered within 30 days or 6 months of age; and

WHEREAS, The current spay and neuter process that requires follow-up by animal control officers is both time consuming and difficult to enforce; and

WHEREAS, At the August 13, 2007 Board of Supervisors meeting the Montgomery County Friends of Animal Care and Control (MCFACC), a volunteer group working with the County's animal control program, recommended that the Board of Supervisors change the County's current adoption procedures and fees structure by requiring a \$10 adoption fee to all dogs being adopted and the prepayment of a fee for spay or neutering before releasing any dog not sterilized for adoption; and

WHEREAS, The Board of Supervisors supports and approves of changing the County adoption fee to apply to all dogs being adopted and the prepayment of a fee for spay and neutering before releasing any dog not sterilized for adoption.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby agrees that the Animal Control adoption fees are hereby amended effective September 1, 2007 as follows:

1. A \$10.00 adoption fee will apply to all dogs regardless of ages.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to change the sterilization of adopted dogs procedure and fees by requiring a prepaid fee of \$65.00 for spay and \$60.00 for neuter as part of the Sterilization Agreement before releasing any dog not sterilized for adoption and authorizes the County Administrator and County Attorney to advertise for the Board of Supervisors approval an Ordinance amendment reflecting this change. The prepayment fee of \$65 for spay and \$60 for neuter shall take effect upon adoption of the required ordinance.

The vote on the foregoing resolution was as follows:

|                    |            |
|--------------------|------------|
| <u>AYE</u>         | <u>NAY</u> |
| Doug Marrs         | None       |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| James D. Politis   |            |
| John A. Muffo      |            |
| Gary D. Creed      |            |
| Steve L. Spradlin  |            |

**A-FY-08- 37**  
**VIRGINIA COOPERATIVE GYPSY**  
**MOTH SUPPRESSION PROGRAM**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, In June 2007 Montgomery County was notified by the Department of Agriculture and Consumer Services (VDACS) that VDACS has expanded the Virginia Gypsy Moth Quarantine to include Montgomery County; and

WHEREAS, VDACS cooperates with quarantined localities to suppress gypsy moth populations through the USDA-Forest Service grant funding to aerially treat areas that will be impacted by the gypsy moth; and

WHEREAS, Localities that participate in this program must appoint/hire a Gypsy Moth Coordinator, who will complete gypsy moth population surveys to determine those areas that will qualify for aerial treatments; and

WHEREAS, The projected cost to participate in this program is approximately \$60,000.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby **approves** Montgomery County's participation in the 2008 Gypsy Moth Suppression Program.

BE IT FURTHER RESOLVED, That a transfer of funds is authorized as follows:

|                     |                                |            |
|---------------------|--------------------------------|------------|
| <b><u>FROM:</u></b> |                                |            |
| 950                 | General Contingencies          | (\$60,000) |
| <b><u>TO:</u></b>   |                                |            |
| 100                 | Board of Supervisors           |            |
|                     | Gypsy Moth Suppression Program | \$60,000   |

Said resolution transfers funds from General Contingencies to cover the costs of the Gypsy Moth Suppression Program.

The vote on the foregoing resolution was as follows:

|                    |            |
|--------------------|------------|
| <u>AYE</u>         | <u>NAY</u> |
| Mary W. Biggs      | None       |
| Annette S. Perkins |            |
| James D. Politis   |            |
| John A. Muffo      |            |
| Gary D. Creed      |            |
| Doug Marrs         |            |
| Steve L. Spradlin  |            |

**R-FY-08-26**  
**RESOLUTION ESTABLISHING**  
**A SPONSORSHIP POLICY**  
**NATIONAL CHAMPIONSHIP EVENTS**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby **approves and establishes a policy** to address requests from individuals who seek corporate sponsorship to participate in national championship events, as follows:

1. The Board of Supervisors will budget funds to assist teams comprised of at least 90% of members from the Montgomery County community.
2. Teams must be affiliated with leagues which are located in the Montgomery County community.
3. Teams or individuals who reside in the Montgomery County community to be eligible for this sponsorship must win a state tournament qualifier whereby by winning the team/individual receives automatic bid to a national championship tournament. Typical programs which conduct national championship tournaments are Dixie, Pony, Little League, AAU, USSA, and ASA as an example of national recreational leagues which provide for national qualifier tournaments.
4. The Board of Supervisors will provide \$100 sponsorship for individuals, payable through their recreational leagues, and \$500 to teams to help defray the expense of participating in a national championship and representing the community at the national level.

The vote on the foregoing resolution was as follows:

|                    |                  |
|--------------------|------------------|
| <u>AYE</u>         | <u>NAY</u>       |
| Annette S. Perkins | James D. Politis |
| John A. Muffo      | Gary D. Creed    |
| Mary W. Biggs      | Doug Marrs       |
| Steve L. Spradlin  |                  |

**R-FY-08-27**  
**PETITION TO THE GOVERNOR**  
**OF THE COMMONWEALTH OF VIRGINIA**  
**TO DECLARE MONTGOMERY COUNTY A DROUGHT AREA**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Widespread areas of Montgomery County have experienced drought conditions in the spring and continuing through the summer of this year and caused agricultural losses in Montgomery County; and

WHEREAS, Precipitation has been well below normal while temperatures were above normal; and

WHEREAS, Many other businesses that service and supply agriculture producers will be affected economically; and

WHEREAS, The extended dry weather has significantly affected livestock producers' late summer hay crop and pastureland and some producers have had to over-graze their pastures, thus reducing the ability of the forage crop to return or survive winter conditions; and

WHEREAS, Other producers have had to begin feeding hay several months before usual, thus reducing reserves for winter months; and

WHEREAS, Some producers have sold their livestock early at much lighter weights than would have normally been realized; and

WHEREAS, These conditions are also creating stress for timber stands and Christmas trees and/or nursery tree growth; and

WHEREAS, The drought conditions will predispose trees to secondary disease pathogens, insect damage, and other environmental disorders; and

WHEREAS, These conditions have and continue to cause severe financial loss to Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby petitions the Honorable Tim Kaine, Governor of the Commonwealth of Virginia, to declare Montgomery County a drought area in order to provide the means for those affected to qualify for some relief assistance.

The vote on the foregoing resolution was as follows:

| <u>AYE</u>         | <u>NAY</u> |
|--------------------|------------|
| James D. Politis   | None       |
| John A. Muffo      |            |
| Gary D. Creed      |            |
| Doug Marrs         |            |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| Steve L. Spradlin  |            |

**R-FY-08-28**  
**PROCLAMATION**  
**NATIONAL ALCOHOL AND**  
**DRUG ADDICTION RECOVERY MONTH**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, 22.2 million people in the United States have faced a substance use disorder in the past year, and all deserve to experience the many benefits of recovery; and

WHEREAS, Treatment reduces reported job problems, including incomplete work and absenteeism, by an average of 75 percent; and

WHEREAS, Treatment is cost effective, with some measurements showing a benefit-to-cost ratio of up to 7:1, with substance use disorder treatment costing \$1,583 per person on average and having a monetary benefit to society of nearly \$11,487 for each person treated; and

WHEREAS, We must recognize the financial savings associated with treatment services, and ensure that such services are readily available to those who need assistance; and

WHEREAS, Cost and insurance barriers present obstacles to those who need access to treatment facilities and want to re-establish their place in the community; and

WHEREAS, It is critical that we educate our community members and local businesses that substance use disorders are a treatable, yet serious health care problem, and by taking steps to address it, as well as provide support for the families and children of those with these disorders, we can save both lives and dollars; and

WHEREAS, To help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the New River Valley Community Services invite all residents of Montgomery County to participate in ***National Alcohol and Drug Addiction Recovery Month in September 2007.***

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, does hereby proclaim ***September 2007 as National Alcohol and Drug Addiction Recovery Month*** in Montgomery County and calls upon the people of Montgomery County to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, ***"Join the Voices for Recovery: Saving Lives, Saving Dollars."***

The vote on the foregoing resolution was as follows:

| <u>AYE</u>         | <u>NAY</u> |
|--------------------|------------|
| John A. Muffo      | None       |
| Gary D. Creed      |            |
| Doug Marrs         |            |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| James D. Politis   |            |
| Steve L. Spradlin  |            |

### **INTO WORK SESSION**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. HS Tejas Ltd. – Request to allow private subdivision streets.
2. Broadband – New River Valley Project

The vote on the foregoing motion was as follows:

| <u>AYE</u>         | <u>NAY</u> |
|--------------------|------------|
| Gary D. Creed      | None       |
| John A. Muffo      |            |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| James D. Politis   |            |
| Doug Marrs         |            |
| Steve L. Spradlin  |            |

### **HS Tejas LTD – Request to allow Private Subdivision Streets**

Joe Powers, Planning Director, provided an overview of the request by HS Tejas, LTD to allow private subdivision streets for 1,075 acres on Fort Lewis Mountain. HS Tejas, LTD purchased 1,700+ acres on Fort Lewis Mountain, with 1,075 acres in Montgomery County and remainder in Roanoke County. They propose 32 potential home sites in Montgomery County off Reese

Mountain Road and 23 potential home sites in Roanoke County off Bradshaw Road. HS Tejas, LTD is requesting the subdivision be served by private streets. They have proposed a maintenance plan and agreement for the proposed private streets, including road maintenance agreement and notice to all potential purchasers. The plat will have a notation that the streets are private and will be noted on all deeds. The applicant has stated that all the realtors will be made aware that the roads will be private and be recorded on the plat, etc.

The Planning Commission discussed this request on April 11, 2007, and made a field trip to site on May 30, 2007, and held another discussion at their June 13, 2007 meeting. The Planning Commission recommended denial of this request stating that it does not promote the general welfare of the citizens, site cannot be adequately served by emergency services, the site is different in size and scale from previous subdivisions where private streets are allowed, and Reese Mountain Road does not meet minimum standards for new private streets. The Planning Commission is concerned with emergency situations that may block the only road leading into the proposed site. The Planning Commission could support the request if there was another ingress/egress to the site.

Chair Spradlin asked how long it took to get to the site once on Reese Mountain Road. The Planning Director responded that it takes 15-20 minutes. Also, Reese Mountain Road is a private road and even if the road were brought up to state standards it would not reduce the driving time.

Kevin Conner, Gay and Neel, Inc., representing HS Tejas, Inc., stated the purpose of their request for a work session with the Board is to receive guidance and direction from the Board on how to proceed with the proposal. The proposed subdivision will be composed of large lots for the purpose of second homes or hunting.

They are aware of the Planning Commission's concern about emergency services. The existing road is 12 to 18 feet wide and there are certain areas along the road that can be widened or they can create pull over areas along the road. Mr. Conner indicated there is another road leading into Fort Lewis Mountain from Roanoke County; however, the applicant does not have a deeded right-of-way for this road.

The majority of the Board felt they could support this project if another ingress/egress to the property was available. Also, if the existing road could be upgraded where two cars could pass or if there was enough site distance was given in order for one car to pull over. They also, suggested the applicant talk to the landowner in Roanoke County to see if they could obtain right-of-way in order to use the road leading into Roanoke County.

### **Broadband – New River Valley Project**

The County Administrator reported that the Planning District Commission (PDC) has requested that Montgomery County participate in the development of the New River Valley Network Wireless Authority. The PDC has been developing ways to help bridge gaps in broadband coverage in the New River Valley. They are proposing to install roughly 60 miles of new fiber from the Wythe County line to the intersection of Rt. 11 and Rt. 114 south of Christiansburg, in Montgomery County. Segments along the route will serve the New River Valley Commerce Park and the New River Valley Regional Jail in Dublin. The network will connect local schools, business, industrial parks, government centers, and business centers.

The PDC is asking localities along this proposed route to join together and create a Wireless Authority under the Virginia's First Regional Industrial Facilities Authority. The main obligation of the Wireless Authority is to morally back the necessary borrowing of \$2.5 million needed to match the \$2.5 million grant. The total \$5 million will fund the 60 mile fiber line.

Montgomery County is invited to participate because a large part of the broadband infrastructure would be constructed in Montgomery County. The new pipe would have 240 strands and would benefit the New River Community College site at the New River Valley Mall and Virginia Tech, both who have expressed interest in using the infrastructure. Currently there are no County facilities that could readily connect to the Route 114 backbone.

The County Administrator reported that very little financial information or a business plan has been submitted to the County. The deadline to submit a grant application is September 10, 2007. Without additional financial information, it would be difficult to recommend participation in the Authority.

The County Administrator stated he will continue communication with the Planning District Commission to try to obtain any additional information regarding this matter and report back to the Board at their next meeting.

### **OUT OF WORK SESSION**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

|                    |            |
|--------------------|------------|
| <u>AYE</u>         | <u>NAY</u> |
| Doug Marrs         | None       |
| Mary W. Biggs      |            |
| Annette S. Perkins |            |
| James D. Politis   |            |
| John A. Muffo      |            |
| Gary D. Creed      |            |
| Steve L. Spradlin  |            |

### **COUNTY ATTORNEY'S REPORT**

Boundary Line Adjustment – Town of Christiansburg The County Attorney reported that the Christiansburg Town Council approved the boundary line adjustment between Montgomery County and the Town for the Roger Woody property located off Farmview Road, effective September 1, 2007. The Board of Supervisors approved the rezoning of this property in December 2006 and approved the boundary line adjustment in June 2007.

Delinquent Real Estate Auction The County Attorney announced that 20 parcels in Montgomery County will be auctioned off on August 31, 2007 due to delinquent real estate taxes. The Auction will be held at the County Government Center, Second Floor Board Room.

### **COUNTY ADMINISTRATOR'S REPORT**

New River Community College (NRCC) will open its new off-campus location inside the New River Valley Mall in Christiansburg soon. Jack Lewis, President of NRCC, is requesting permission to use Montgomery County's seal in a sign that will be placed on the outside wall of the new site. The sign will say "NRCC proudly serves Virginia's New River Valley" with the county seal for Floyd, Giles, Montgomery and Pulaski counties, and the City of Radford.

By consensus of the Board, NRCC was given permission to use the County Seal for the purpose of placing it on their sign.

### **BOARD MEMBERS' REPORTS**

Supervisor Perkins noted that she believes VDOT misunderstood her request regarding Mill Point Road. David Clarke, VDOT's Residency Administrator, advised that the brush will be cut back to improve site distance. However, the residents in this area have requested that the bank be shaved back in order to improve site distance long-term.



Planning District Commission (PDC)– Supervisor Perkins reported that she will be attending a conference as representative of the PDC regarding the Interstate 81 Corridor. States from Tennessee to New York will be sending representatives. They are proposing to create a commission of states to address the problems along I-81, composed of representatives from state transportation, planning district commissions, Commissioners, etc.

Supervisor Perkins reported that she will not be at the Board's September 10, 2007 meeting.

**Supervisor Muffo** attended the Local Official's picnic hosted by Pulaski County at the Randolph Park. During the event, there was a discussion regarding the opening of New River Community College's new off-site location. To date, there are 400+ students registered for Fall classes, which is above NRCC's estimated goal. Their break-even number was 100 students. If Board members are interested, NRCC will arrange a tour of the new facilities.

Invocation – Supervisor Muffo commented that he has received more comments from citizens regarding starting the Board meetings with an invocation than he has on any other topic since he has been a Board member. He asked if the invocation can be rotated so each Board member may have a turn. The Chair stated that any Board member who wishes to lead invocation at a Board meeting may do so, just inform him prior to the meeting.

**Supervisor Biggs – School Board Meeting** - Supervisor Biggs reported that the School Board will be holding two community meetings as follows:

Elliston Community Meeting – September 10, 2007 at Eastern Montgomery High School  
Prices Fork Community Meeting - September 20, 2007 at Prices Fork Elementary School

The purpose of these meetings is to provide an overview of the new school projects and get feedback from the citizens.

Supervisor Biggs also submitted the updated enrollment report and asked that it be forwarded to the Board.

Library Board Supervisor Biggs asked if defibrillators could be purchased via grant money for all the Libraries in the County as they are public buildings. The County Administrator will forward this request to the County's Emergency Services Coordinator.

READS Poster – Supervisor Biggs commented that she met with the Library's photographer and got her picture taken for the READS Poster.

Floyd County Bookmobile – Supervisor Biggs reported that Floyd County does not have a bookmobile and has expressed an interest in creating a bookmobile route for their citizens. She asked if any Board members knew of any vehicle that could be donated to serve as a bookmobile. If so, please let the Library Board know.

**Supervisor Creed** reported that he will not be at the September 10, 2007 meeting as he will be out of town.

**Supervisor Spradlin** requested staff to draft a resolution in recognition of the Blacksburg Dixie League. The County Administrator suggested that a certificate of recognition be presented to all members of the Blacksburg Dixie League for their accomplishment of representing Montgomery County at the National Little League Tournament.

Supervisor Creed also requested that staff contact all groups that would be eligible to receive the county sponsorship. The County Administrator stated he will meet with the County's Park and Recreation Department staff.

Gypsy Moth Community Meeting is scheduled for September 25, 2007 at Sunnyside Pentecostal Holiness Church to inform citizens about gypsy moth and the County's decision to participate in the suppression program.

**ADJOURNMENT**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, September 10, 2007.

The vote on the foregoing motion was as follows:

| <u>AYE</u>         | <u>NAY</u> |
|--------------------|------------|
| Mary W. Biggs      | None       |
| Annette S. Perkins |            |
| James D. Politis   |            |
| John A. Muffo      |            |
| Gary D. Creed      |            |
| Doug Marrs         |            |
| Steve L. Spradlin  |            |

The meeting adjourned at 9:40 p.m.

|                   |                          |
|-------------------|--------------------------|
| APPROVED:_____    | ATTESTED:_____           |
| Steve L. Spradlin | B. Clayton, Goodman, III |
| Chair             | County Administrator     |